

EXHIBIT 1



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL OCEAN SERVICE
Office of National Marine Sanctuaries
1305 East-West Highway
Silver Spring, Maryland 20910

May 20, 2022

Stockton Rush, CEO
OceanGate, Inc.
1205 Craftsman Way
Suite 112
Everett, WA 98201
stockton@oceangate.com

Re: OceanGate Expeditions's 2022 *Titanic* Survey Expeditions

Dear Mr. Rush:

Thank you for recently talking with me about OceanGate's summer 2022 expedition plans for visiting the *Titanic* wreck and wreck site.

Based on our discussion, my understanding is that OceanGate intends for its 2022 expedition to *Titanic* to be conducted in a manner similar to its 2021 expedition, which NOAA determined did not require an authorization pursuant to section 113 of the Consolidated Appropriations Act. *See* letter from Benjamin Friedman to David Concannon, June 14, 2021. NOAA made that determination after reviewing information that OceanGate provided to NOAA and to the United States District Court for the Eastern District of Virginia, as well as information available on OceanGate's website regarding the 2021 *Titanic* Expedition.

Because NOAA's June 14, 2021 determination was specific to OceanGate's 2021 *Titanic* Expedition, I am requesting that OceanGate provide NOAA with similar information regarding its 2022 plans to visit *Titanic* so that NOAA can again determine whether a section 113 authorization is required.

Additional Information Regarding Section 113

As you know, section 113 provides that "no person shall conduct any research, exploration, salvage, or other activity that would physically alter or disturb the wreck or wreck site of the RMS *Titanic* unless authorized by the Secretary of Commerce," consistent with the Agreement Concerning the Shipwrecked Vessel RMS *Titanic* ("International Agreement"), U.K.-U.S., Nov. 6, 2003-June 18, 2004, 19 T.I.A.S. 1118. The Secretary of Commerce has delegated to the NOAA Administrator partial authority to authorize activities under Section 113. *See* 84 Fed. Reg. 38012 (Aug. 29, 2019). Any person subject to U.S. jurisdiction who intends to conduct any research, exploration, salvage, or other activity that would physically alter or disturb the



Titanic wreck or wreck site must apply for a Section 113 authorization from the NOAA Administrator.

Any person requesting a section 113 authorization or a determination from NOAA that an authorization is not required should provide NOAA with information sufficient to demonstrate that the proposed project will comply with the Annex Rules of the International Agreement. NOAA also encourages anyone considering an expedition to the wreck or wreck site to review the NOAA Guidelines for Research, Recovery and Salvage of RMS Titanic, 66 Fed. Reg. 18905 (Apr. 12, 2001), as well as the International Maritime Organization Circular, Pollution Prevention Measures in the Area Surrounding the Wreckage of RMST Titanic, MEPC.1/Circ.779 (Jan. 31, 2012). Additional information about Section 113, the International Agreement, and the applicable guidelines may be found on NOAA's website at https://www.gc.noaa.gov/gcil_titanic-authorizations.html, and requests for or questions regarding authorizations under Section 113 should be directed to Titanic.Authorizations@noaa.gov.

I am also reminding you that the United States District Court for the Eastern District of Virginia has asserted constructive *in rem* jurisdiction over *Titanic* and has granted exclusive salvage rights to RMS Titanic, Inc. (RMST). *See* Judgment, 2:93-cv-00902 (E.D. Va. June 7, 1994), ECF No. 37. NOAA intends to notify the Court of OceanGate's proposed 2022 expedition, and encourages OceanGate to coordinate directly with the Court and RMS Titanic, Inc. to the extent OceanGate has not done so already.

Please let me know if you have any questions. Thank you for your continued cooperation with NOAA.

Sincerely and Without Reservation,



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